

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

RENETTO, LLC,)
)
Plaintiff,)
v.) ACTION NO. 1:07cv789
)
PROFESSIONAL SALES AND)
MARKETING GROUP, INC.)
)
Defendant.)

ORDER

THIS MATTER is before the Court on Defendant Professional Sales and Marketing Group, Inc.'s ("PSM") Motion to Reconsider Denial of Motion to Change Venue. The Court has reviewed the parties' pleadings and has reconsidered Defendant PSM's Exhibit E attached to its Reply in Support of Defendant's Motion to Dismiss for Lack of Personal Jurisdiction or to Change Venue. The Court finds that Defendant's Exhibit E satisfies its burden of proffering details regarding the witnesses and other potential testimony and evidence that may be introduced at trial. Thus, the "first-filed" rule prevails. See *Affinity Memory & Micro, Inc. v. K&Q Enter., Inc.*, 20 F. Supp. 2d 948, 954 (E.D. Va. 1998) (first-filed rule generally followed, absent a showing of the "balance of conveniences"). As Defendant PSM filed its complaint regarding breaches of the parties' sales agreement in Illinois state court on June 13, 2007, nearly two months prior to Plaintiff Renetto's initiation of this suit regarding the same sales agreement, and the District Court for the Northern District

of Illinois continued to exercise jurisdiction over the parties after it dismissed without prejudice Defendant PSM's state court complaint by requiring the parties to participate in settlement negotiations and submit a joint status report, the Court concludes that the Northern District of Illinois is the appropriate venue for the parties' claims. See *id.* ("Under the 'first-filed' rule, for purposes of choosing between possible venues when parallel litigation has been instituted in separate courts, the court in which jurisdiction first attaches should be the one to decide the case."). Accordingly, it is hereby

ORDERED that Defendant Professional Sales and Marketing Group, Inc.'s Motion to Reconsider Denial of Motion to Change Venue is GRANTED. This case is transferred to the United States District Court for the Northern District of Illinois.

The Clerk is directed to forward a copy of this Order to Counsel.

Entered this 27th day of November, 2007.

/s/
Gerald Bruce Lee
United States District Judge

Alexandria, Virginia
11/27/07